4 Dismissed From Ray Suit

U.S. Dist. Judge Bailey Brown yesterday dismissed all but two defendants in a libel suit filed by Jerry Ray and rejected claims that Ray's constitutional rights were violated.

Ray, brother of James Earl Ray, convicted assassin of Dr. Martin Luther King Jr., filed the suit Aug. 31 claiming he was libeled by the author and publisher of a King assassination book which claimed him as a source.

The suit listed as defendants George McMillian, author of the book, "The Making of An Assassin;" Little, Brown & Co., publisher of the book; W. Henry Haile, a former assistant state attorney general, and William Bradford Huie, who has also written a book about the King case and allegedly supplied his research to McMillian, the Memphis office of the FBI and the Missouri Department of Corrections.

Brown dismissed all defendants except McMillian and Little, Brown & Co.

Brown dismissed Haile, Huie and the Missouri Department of Corrections on grounds of improper venue in the case. Huie is a resident of Alabama and Haile lives in Nashville.

"The FBI," Brown said, "properly points out that as an agency of the United States, it cannot be sued unless the government has consented by statute to be sued.

"It appears that Ray has also asserted a rather nebulous claim against the FBI for allegedly causing Ray's dismissal from two jobs by engaging in investigative activities. This court has some doubt that these allegations state any claim for relief."

Brown said that McMillian and Little Brown & Co. can be held liable since Ray's suit "does allege that publication of the alleged libel was done with knowledge of or reckless disregard for the truth of the statements made."

Brown said, however, Ray's suit does not "clearly state a claim of violation of his constitutional rights."

Ray is seeking $750,000 from each defendant.